

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS HUMPHREY,
Petitioner,

v.

JEROME WALSH, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

CIVIL ACTION

NO. 13-3070

O R D E R

AND NOW, this 6th day of March, 2014, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Thomas Humphrey, the record in this case, and the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated January 30, 2014, no objections having been filed notwithstanding the passage of the time for filing objections, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated January 30, 2014, is **APPROVED AND ADOPTED**;
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Thomas Humphrey, is **DISMISSED WITH PREJUDICE** as untimely filed for the reasons set forth in the Report and Recommendation;
3. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and,
4. The Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.